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| 10/592,974 | 01/10/2007 | Leon Kotze | CU-5087 RJS | 3772 |
| 26530 7590 02/19/2010 LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604 | | | EXAMINER WILLOUGHBY, TERRENCE RONIQUE | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/592,974

Applicant(s)

KOTZE ET AL.

Examiner

TERRENCE R. WILLOUGHBY

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-37, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 11-37, 40 and 41 is/are rejected.
- 7) ☒ Claim(s) 7 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS-08)
Paper No(s)/Mail Date 3/14/07

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in South Africa on March 17, 2004. It is noted, however, that applicant has not filed a certified copy of the 2004/2141 application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

The information disclosure statement (IDS) submitted on March 14, 2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 24, 35, 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (EP 0495980 A1).

Regarding claims 1, 35 and 37, Tanaka et al. in (Fig. 2., (1) and (2)), discloses a network protector comprising:

node connecting means (A) for connecting the network protector (1) to a node in an electronic network;

hub connecting means (B) for connecting the network protector (1) to a hub in the electronic network; and

a non-earthed surge protection circuit (2, 3) for allowing electronic communication between the node connecting means (A) and the hub connecting means (B), the surge protection circuit (2, 3) including circuit breaking means (3) for disrupting electronic communication between the node connecting means (A) and the hub connecting means (B) upon a surge exceeding a predetermined magnitude being received by the surge protection circuit. See pages 3-4.

Regarding claims 24 and 36, Tanaka et al. in (Fig. 2., (1) and (2)), discloses a network protector comprising:

a first node connecting means (5-1) for connecting the network protector (1) to a first node in an electronic network;

a second node connecting means (7-1) for connecting the network protector (1) to a second node in the electronic network; and

a non-earthed surge protection circuit (2, 3) for allowing electronic communication between the first node connecting means (5-1) and the second node connecting means (7-1), the surge protection circuit including circuit breaking means (3) for disrupting electronic communication between the first node connecting means (5-1) and the second node connecting means (7-1) upon a surge exceeding a predetermined magnitude being received by the surge protection circuit. See pages 3-4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6, 8-9, 11-13, 15-18, 20-22, 25, 26, 28-30, 32, 31, 33 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (EP 0495980 A1) in view of Le Creff et al. (US 6,839,215).

Regarding claim 2 and 25, Tanaka et al. discloses the network protector according to claims 1 and 24, except for wherein the node connecting means (A) and the hub connecting means (B) are RJ9, RJ11, or RJ45 connectors.

However, Le Creff et al. in (Fig. 1), discloses a protection device for a terminal connected to a local area network wherein the node connecting means (P1) and the hub connecting means (P2) are RJ45 connectors (col. 2, ll. 30-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified both the node and hub connecting means as taught by Tanaka et al. with the RJ45 connectors as taught by Le Creff et al., because RJ45 connectors are preferably used in high speed data communication lines.

Regarding claim 3, Tanaka et al. in view of Le Creff et al. discloses the network according to claim 2, wherein the node connecting means (Le Creff et al., Fig. 1, P1) comprises an RJ45 connector for connecting with network wiring (Le Creff et al., Fig. 1, L1..L8) from a network port of a node (Le Creff et al., col. 2, ll. 30-54).

Regarding claim 4, Tanaka et al. in view of Le Creff et al. discloses the network according to claim 3, wherein the hub connecting means (Le Creff et al., Fig. 1, P2) comprises an RJ45 connector for connecting to an RJ45 connector of a network hub (Le Creff et al, col. 2, ll. 37-40).

Regarding claim 5, Tanaka et al. in view of Le Creff et al. discloses the network protector according to claim 4, wherein the surge protection circuit (Le Creff et al., Fig. 1, C1, C2, R1, R2) comprises a first circuit (Le Creff, Fig. 1, C1, C2, R1, R2) having a first leg which connects contact position one (Le Creff et al., Fig. 1, L1) of the R J45 hub connector (Le Creff et al., Fig. 1, P2) with contact position one (Le Creff et al., Fig. 1, L1) of the R J45 node connector (Le Creff et al., Fig. 1, P1) as well as a second leg (Le Creff et al., Fig. 1, L2) which connects contact position two of the R J45 hub connector (Le Creff et al., Fig. 1, P2) with contact position two of the R J45 node connector (Le Creff et al., Fig. 1, P1).

Regarding claim 6, Tanaka et al. in view of Le Creff et al. discloses the network protector according to claim 5, wherein a first circuit breaking means (Le Creff, Fig. 1, C1, C2, R1, R2) is provided between the first (Le Creff, Fig. 1, L1) and the second leg (Le Creff, Fig. 1, L2) of the first circuit (Le Creff, Fig. 1, C1, C2, R1, R2).

Regarding claim 8, Tanaka et al. in view of Le Creff et al. discloses the network protector according to claim 5, wherein the surge protection circuit (Le Creff, Fig. 1, C3, C4, R3, R4) comprises a second circuit (Le Creff, Fig. 1, C3, C4, R3, R4) having a first leg which connects contact position three (Le Creff et al., Fig. 1, L3) of the R J45 hub

connector (Le Creff et al., Fig. 1, P2) with contact position three (Le Creff et al., Fig. 1, L3) of the R J45 node connector socket (Le Creff et al., Fig. 1, P1) as well as a second leg which connects contact position six (Le Creff et al., Fig. 1, L6) of the R J45 hub connector (Le Creff et al., Fig. 1, P2) with contact position six (Le Creff et al., Fig. 1, L6) of the R J45 node connector (Le Creff et al., Fig. 1, P1).

Regarding claim 9, Tanaka et al. in view of Le Creff et al. discloses the network protector according to claim 5, wherein a second circuit breaking means (Le Creff, Fig. 1, C3, C4, R3, R4) is provided between the first (Le Creff, Fig. 1, L3, i.e. the side connected to P1) and the second leg (Le Creff, Fig. 1, L3, i.e. the side connected to P2) of the first circuit (Le Creff, Fig. 1, C3, C4, R3, R4).

Regarding claim 11, Tanaka et al. in view of Le Creff et al. discloses the network protector according to claim 4, wherein the surge protection circuit (Le Creff et al., Fig. 1, C1, C2, R1, R2) comprises a first leg which connects contact position one (Le Creff et al., Fig. 1, L1) of the RJ45 hub connector (Le Creff et al., Fig. 1, P2) with contact position one (Le Creff et al., Fig. 1, L1) of the R J45 node connector (Le Creff et al., Fig. 1, P1), a second leg which connects contact position two (Le Creff et al., Fig. 1, L2) of the R J45 hub connector (Le Creff et al., Fig. 1, P2) with contact position two (Le Creff et al., Fig. 1, L2) of the R J45 node connector (Le Creff et al., Fig. 1, P1), a third leg which connects contact position three (Le Creff et al., Fig. 1, L3) of the R J45 hub connector (Le Creff et al., Fig. 1, P2) with contact position three (Le Creff et al., Fig. 1, L3) of the R J45 node connector (Le Creff et al., Fig. 1, P1) as well as a fourth leg which connects contact position six (Le Creff et al., Fig. 1, L6) of the R J45 hub connector (Le

Creff et al., Fig. 1, P2) with contact position six (Le Creff et al., Fig. 1, L6) of the R J45 node connector (Le Creff et al., Fig. 1, P1).

Regarding claim 12, Tanaka et al. in view of Le Creff et al. discloses the network protector according to claim 11, wherein each leg (Le Creff et al., Fig. 1, L1...L8) includes circuit breaking means (Le Creff et al., Fig. 1, C1....C4', R1....R4') which will be destroyed upon receiving an electrical surge exceeding a predetermined value thereby disrupting any electronic communication between the node (Le Creff et al., Fig. 1, P1) and the hub (Le Creff et al., Fig. 1, P2).

Regarding claim 13, Tanaka et al. in view of Le Creff et al. discloses the network protector according to claim 12, wherein the circuit breaker means are resistors (Le Creff et al., Fig. 1, R1...R4').

Regarding claim 15, Tanaka et al. in view of Le Creff et al. discloses the network protector according to claim 4, wherein the surge protection circuit comprises a first leg which connects contact position three (Le Creff et al., Fig. 1, L3) of the RJ45 hub connector (Le Creff et al., Fig. 1, P2) with contact position three of the R J45 node connector (Le Creff et al., Fig. 1, P1), a second leg which connects contact position six (Le Creff et al., Fig. 1, L6) of the R J45 hub connector (Le Creff et al., Fig. 1, P2) with contact position six of the R J45 node connector (Le Creff et al., Fig. 1, P1), a third leg which connects contact position seven (Le Creff et al., Fig. 1, L7) of the R J45 hub connector (Le Creff et al., Fig. 1, P2) with contact position seven of the R J45 node connector (Le Creff et al., Fig. 1, P1) as well as a fourth leg which connects contact

position eight (Le Creff et al., Fig. 1, L8) of the R J45 hub connector (Le Creff et al., Fig. 1, P2) with contact position eight of the R J45 node connector (Le Creff et al., Fig. 1, P1).

Regarding claim 16, Tanaka et al. in view of Le Creff et al. discloses the network protector according to claim 4, wherein the surge protection circuit comprises a first leg which connects contact position one (Le Creff et al., Fig. 1, L1) of the RJ45 hub connector (Le Creff et al., Fig. 1, P2) with contact position one of the R J45 node connector (Le Creff et al., Fig. 1, P1), a second leg which connects contact position two (Le Creff et al., Fig. 1, L2) of the R J45 hub connector (Le Creff et al., Fig. 1, P2) with contact position two of the R J45 node connector (Le Creff et al., Fig. 1, P1), a third leg which connects contact position four (Le Creff et al., Fig. 1, L4) of the R J45 hub connector (Le Creff et al., Fig. 1, P2) with contact position four of the RJ45 node connector (Le Creff et al., Fig. 1, P1) as well as a fourth leg which connects contact position five (Le Creff et al., Fig. 1, L5) of the R J45 hub connector (Le Creff et al., Fig. 1, P2) with contact position five of the R J45 node connector (Le Creff et al., Fig. 1, P1).

Regarding claim 17, Tanaka et al. in view of Le Creff et al. discloses the network protector according to claim 4, wherein the surge protection circuit comprises eight legs (Le Creff et al., Fig. 1, L1....L8) wherein each contact position of the RJ45 hub connector (Le Creff et al., Fig. 1, P2) is connected with its corresponding contact position of the RJ45 node connector (Le Creff et al., Fig. 1, P1).

Regarding claim 18, Tanaka et al. in view of Le Creff et al. discloses the network protector according to claim 15, wherein each leg (Le Creff et al., Fig. 1, L1....L8) includes circuit breaking means (Le Creff et al., Fig. 1, C1...C4', R1....R4') which will be destroyed upon receiving an electrical surge exceeding a predetermined value thereby disrupting any electronic communication between the node (Le Creff et al., Fig. 1, P1) and the hub (Le Creff et al., Fig. 1, P2).

Regarding claim 20, Tanaka et al. in view of Le Creff et al. discloses all the limitations recited above in claim 17, which includes each of the contact position three through contact position six corresponding to the RJ45 node and RJ45 hub connector.

Regarding claim 21, Tanaka et al. in view of Le Creff et al. discloses all the limitations recited above in claim 20, wherein the surge protection circuit includes that the first and fourth legs (Le Creff et al., Fig. 1, L1 and L4) are connected with a leg having a resistor (Le Creff et al., Fig. 1, R1, R2, R3, R4).

Regarding claim 22, Tanaka et al. in view of Le Creff et al. discloses all the limitations recited above in claim 20, wherein the surge protection circuit includes that the second and third legs (Le Creff et al., Fig. 1, L2 and L4) are connected with a leg having a resistor (Le Creff et al., Fig. 1, R3).

Regarding claim 26, Tanaka et al. in view of Le Creff et al. discloses all the limitations recited above in claim 20.

Regarding claim 28, Tanaka et al. in view of Le Creff et al. discloses all the limitations recited above in claim 21.

Regarding claim 29, Tanaka et al. in view of Le Creff et al. discloses all the limitations recited above in claim 22.

Regarding claim 30, Tanaka et al. in view of Le Creff et al. discloses all the limitations recited above in claim 20.

Regarding claim 31, Tanaka et al. in view of Le Creff et al. discloses the network protector according to claim 30, except for wherein the first node is a PABX line and the second node is a digital port. However, PABX line and digital ports are well known to one of ordinary skill in the art.

Regarding claim 32, Tanaka et al. in view of Le Creff et al. discloses all the limitations recited above in claim 12.

Regarding claim 33, Tanaka et al. in view of Le Creff et al. discloses all the limitations recited above in claim 13.

Regarding claim 40, Tanaka et al. in view of Le Creff et al. discloses all the limitations recited above in claim 12.

Claims 14, 19, 23, 27, 34 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (EP 0495980 A1) in view of Le Creff et al. (US 6,839,215) and in view of Youngman et al. (US 6,359,766).

Regarding claim 14, Tanaka et al. in view of Le Creff et al. discloses the network protector according to claim 13, except for wherein the resistors are 100 ohm Watt resistors with a 10% variance.

However, Youngman et al. in (Fig. 2), discloses a network protector wherein the resistors (52) have a resistance value of approximately 1 mega ohm to approximately

10 mega ohms, however, the resistance values may be less than 1 mega ohm and greater than 10 mega ohms (col. 4, ll. 26-35). The resistance value is an effective variable.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the resistance values of the protective resistors as taught by Tanaka et al. in view Le Creff et al. with resistance value teachings as taught by Youngman et al., in order to effectively limit the current.

Neither of the prior art references specifically discloses wherein the resistors are 100 ohm 0.25 Watt resistors with a 10% variance.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the resistors values 100 ohm 0.25 Watt resistors with a 10% variance, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Regarding claim 19, Tanaka et al. in view of Le Creff et al. and in view of Youngman et al. discloses all the limitations recited above in claim 14.

Regarding claim 23, Tanaka et al. in view of Le Creff et al. discloses all the limitations recited above in claim 14.

Regarding claim 27, Tanaka et al. in view of Le Creff et al. and in view of Youngman et al. discloses the network protector according to claim 26, wherein the first and second nodes (Youngman et al., Fig. 1, 42) are preferably RJ45 connectors, however Youngman et al. discloses that RJ11 may be used along with other types of standard connectors known in the art (col. 4, ll. 19-22). RJ11 connectors are well known

to one of ordinary skill in the art to be useful in telecommunication line modules or networks.

Regarding claim 34, Tanaka et al. in view of Le Creff et al. and in view of Youngman et al. discloses all the limitations recited above in claim 14.

Regarding claim 41, Tanaka et al. in view of Le Creff et al. and in view of Youngman et al. discloses all the limitations recited above in claim 14.

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim 6, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Combined claim 7 would be allowable over the prior art of record because the prior art does not teach or suggest wherein the circuit breaking means is formed by having a resistor in the first and second leg and a capacitor connected between the legs such that upon receiving an electrical surge exceeding a predetermined value either the capacitor or the resistors will be destroyed thereby disrupting any electronic communication between the node and the hub as set forth in the claimed invention.

Claim 10 is objected to as being dependent upon a rejected base claim 9, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Combined claim 10 would be allowable over the prior art of record because the prior art does not teach or suggest wherein the circuit breaking means is formed by having a resistor in the first and second leg of the second circuit and a capacitor connected between the legs such that upon receiving an electrical surge exceeding a predetermined value either the capacitor or the resistors will be destroyed thereby disrupting any electronic communication between the node and the hub as set forth in the claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERRENCE R. WILLOUGHBY whose telephone number is (571)272-2725. The examiner can normally be reached on 9-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jared Fureman can be reached on 571-272-2391. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Terrence R Willoughby/
Examiner, Art Unit 2836

/Jared J. Fureman/
Supervisory Patent Examiner, Art
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2/13/10